

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

CHRISTOPHER L. BRYANT,

Plaintiff

VS.

Detectives CHAD DAVIS and MIKE
WALKER,

Defendants

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NO. 7:10-CV-114 (HL)

ORDER

Before the Court is plaintiff **CHRISTOPHER L. BRYANT'S** letter, which the Clerk's Office has docketed as a motion for reconsideration of this Court's October 21, 2010 dismissal order (Tab # 6). In said order, the Court dismissed plaintiff's 42 U.S.C. § 1983 complaint as frivolous under 28 U.S.C. § 1915(e)(2), because plaintiff's claim that he may wrongfully be subjected to a more severe state court sentence is barred by the Supreme Court's holding in *Younger v. Harris*, 401 U.S. 37 (1971). Apparently plaintiff complains that money has been paid from his inmate account toward this Court's required filing fee, notwithstanding that the Court dismissed plaintiff's complaint.

Plaintiff's motion for reconsideration does not appear to be timely. Under Rule 59(e) of the Federal Rules of Civil Procedure, a "motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment." This Court entered its judgment in plaintiff's case on October 22, 2010, whereas the Court received plaintiff's motion on December 10, 2010.

Even if plaintiff had timely filed his motion for reconsideration, his motion would be denied. As stated in this Court's October 21st order, 28 U.S.C. § 1915(b)(1) requires that a prisoner proceeding *in forma pauperis* shall be required to pay the full amount of the filing fee as funds become available. Moreover, section 1915(e)(2) requires the Court to dismiss a complaint "at any

time” the Court determines it to be frivolous, “[n]otwithstanding any filing fee, or any portion thereof, that may have been paid.”

In light of the above, plaintiff’s motion for reconsideration is **DENIED**.

SO ORDERED, this 16th day of DECEMBER, 2010.

/s/ Hugh Lawson
HUGH LAWSON
UNITED STATES DISTRICT JUDGE

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